

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SILAS CALHOUN and
EMILY CALHOUN, Individually and as
Parents and Next Friends of ESTELLA
CALHOUN,
Plaintiffs

v.

UNITED STATES OF AMERICA and
ERIC C. DAUB, M.D. and
MARIANNE SUTTON, M.D.,
Defendants

CIVIL ACTION NO. 04-10480-RGS

**JOINT STATEMENT OF THE PARTIES
IN ACCORDANCE WITH FED. R. CIV. P. 16(b) AND LOCAL RULE 16.1**

Pursuant to the Court's Order dated August 9, 2004, the parties submit this joint statement:

1. Joint Discovery Plan

As required by Local Rule 16.1, the parties have conferred in an attempt to reach agreement on the proposed pre-trial and discovery schedules. Pursuant to these discussions, the parties agree that all discovery, including requests for production of documents, interrogatories and depositions, will be completed by September 30, 2005. The plaintiffs will disclose experts and provide the defendants with expert reports by October 31, 2005. The defendants will disclose experts and provide the plaintiffs with expert reports by November 30, 2005.

2. Proposed Schedule for Filing Motions

The parties propose to file all motions under Fed. R. Civ. P. 12, 19 and 20 by March 1, 2005. All motions under Fed. R. Civ. P. 14 and 15 should be filed by the close of discovery noted above. All motions under Fed. R. Civ. P. 56 and any other motions not specifically mentioned herein shall be filed

by January 1, 2006.

3. Settlement Proposals

The plaintiffs and the United States have discussed settlement, but no settlement has been reached. No settlement discussions have occurred between the plaintiffs and the defendant Marianne Sutton, M.D.

4. Certification

The parties certify and affirm that they have conferred with their respective clients who have reviewed the budget for the cost of conducting the full course and various alternative courses of litigation, and have considered the resolution of the litigation through the use of an alternative dispute resolution program.

Plaintiffs, Silas and Emily Calhoun,
Individually and as Parents and
Next Friends of Estella Calhoun,
By their attorneys,

/s/_____
Michael S. Appel - BBO No. 543898
Sugarman, Rogers, Barshak & Cohen, P.C.
101 Merrimac Street, 9th Floor
Boston, MA 02114-4737
Tel: (617) 227-3030

Defendant, United States of America,
By its attorneys,

/s/ _____
Anton P. Giedt - BBO No. _____
Assistant U.S. Attorney
United States Attorney's Office
Moakley U.S. Courthouse, Suite 920
1 Courthouse Way
Boston, MA 02210
Tel: (617) 748-3309

Defendant, Marianne Sutton, M.D.,
By her attorneys,

/s/ _____
Paul R. Greenberg - BBO No. 552176
Rindler Morgan, P.C.
133 Portland Street, Suite 500
Boston, MA 02114
Tel: (617) 973-0660

Dated: September 22, 2004

CERTIFICATE OF SERVICE

I, Michael S. Appel, hereby certify that on the above date I served this document by regular mail on the following counsel:

Paul R. Greenberg, Esquire
Rindler Morgan, P.C.
133 Portland Street, Suite 500
Boston, MA 02114

Anton P. Giedt, Esquire
Assistant U.S. Attorney
United States Attorney's Office
Moakley U.S. Courthouse, Suite 920
1 Courthouse Way
Boston, MA 02210

/s/ _____
Michael S. Appel